

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

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**ARTHUR GINSBERG,**

**Plaintiff,**

**v.**

**JAMES L. DEHART,  
JOHN P. GRIFFITH,  
LANDYA B. MCCAFFERTY,  
MARGARET H. NELSON, AND  
DIANE M. NICOLSI,**

**Defendants.**

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**Case No.: 2010-cv-452-JAW**

**OBJECTION TO PLAINTIFF’S “CORRECTED MOTION TO STAY  
PROCEEDINGS PENDING COURT ACTION ON PLAINTIFF’S MOTION TO ADD A  
PARTY WITH INTEGRATED MEMORANDUM OF LAW”**

Defendant John P. Griffith, Esquire (“Attorney Griffith”), by and through his counsel, Nelson, Kinder, Mosseau & Saturley, PC, object to the plaintiff’s motion to stay the proceedings that he has filed against the defendants. In support, Attorney Griffith states the following:

1. The plaintiff has requested a stay in order to add an additional party.
2. Attorney Griffith takes no position on whether this Court should add an additional party.
3. The plaintiff has failed to carry its “heavy burden” of explaining why this Court should exercise its discretionary powers and stay the action that he filed against Attorney Griffith. See Microfinancial, Inc. v. Premier Holidays Int’l, 385 F.3d 72, 77 (1st Cir. 2004).
4. Instead, the plaintiff merely asserts: “The granting of the Plaintiff’s motion to add a party defendant would essentially render the pending motions to dismiss as moot.” Mot. Stay,

¶ 10 (Nov. 21, 2010).

5. The plaintiff does not support this proposition with specific allegations.

6. Nor does the motion to dismiss that Attorney Griffith filed in this matter assert that the plaintiff failed to include a necessary party.

WHEREFORE, for the reasons stated above, the defendant, John P. Griffith, Esquire, respectfully requests that this Honorable Court grant the following relief:

A. Deny the plaintiff's Corrected Motion to Stay Proceedings Pending Court Action on Plaintiff's Motion to Add a Party with Integrated Memorandum of Law; and

B. Grant such other and further relief as deemed just and proper.

Respectfully submitted,

JOHN P. GRIFFITH

By his Attorneys,

NELSON, KINDER, MOSSEAU &  
SATURLEY, P.C.

Dated: December 1, 2010

s/s John C. Kissinger, Jr., Esquire  
John C. Kissinger, Jr., Esquire (Bar No. 10245)  
Tobias W. Crawford, Esquire (Bar No. 20001)  
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Email tcrawford@nkms.com

### **CERTIFICATE OF SERVICE**

I, John C. Kissinger, Jr., Esquire, hereby certify that on this 1st day of December, 2010, a copy of the foregoing Objection was electronically served through ECF upon:

Arthur Ginsburg, pro se  
K. Allen Brooks, Esquire,

Dated: December 1, 2010

*s/s John C. Kissinger, Jr., Esquire*  
John C. Kissinger, Jr., Esquire (Bar No. 10245)